

Timothy Carl Aires

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Sent: Tuesday, February 19, 2008 7:14 PM
Attach: ResponselD1.pdf
Subject: AT&T v. Dataway

E-MAIL SERVICE OF:

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, ELECTRONICALLY
STORED INFORMATION AND TANGIBLE THINGS, OR ENTERING ONTO LAND, FOR
INSPECTION AND OTHER PURPOSES

EXHIBIT A

4/29/2008

1 Timothy Carl Aires, Esq. (138169)
AIRES LAW FIRM
2 180 Newport Center Drive, Suite 260
Newport Beach, California 92660
3 (949) 718-2020
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4 Attorneys for Plaintiff and Counterdefendant,
5 AT&T CORPORATION

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
9

10 AT&T CORPORATION,

11 Plaintiff,

12 v.

13 DATAWAY INC. and dba DATAWAY
DESIGNS,

14 Defendants.
15

16 AND RELATED COUNTERCLAIM.
17

Case No. C07-02440 MMC

RESPONSES TO REQUESTS FOR
PRODUCTION OF DOCUMENTS,
ELECTRONICALLY STORED
INFORMATION AND TANGIBLE
THINGS, OR ENTERING ONTO LAND,
FOR INSPECTION AND OTHER
PURPOSES

[F.R.C.P., Rule 34]

18 TO ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

19 PROPOUNDING PARTY: DATAWAY INC. and dba DATAWAY DESIGNS

20 RESPONDING PARTY: AT&T CORPORATION

21 SET NO. ONE
22

23 Plaintiff and Counterdefendant AT&T Corporation, by and through its counsel of
24 record, hereby submits its Responses to Requests of Defendant and Counterclaimant
25 Dataway Inc. and dba Dataway Designs for Production of Documents, Electronically Stored
26 Information and Tangible Things, or Entering onto Land, for Inspection and Other Purposes,
27 as follows:
28 ///

PRELIMINARY STATEMENT

Responding Party is continuing its discovery efforts in this action. The information provided in this response represents material which has been obtained by Responding Party at this time through a diligent search of its records and a reasonable inquiry made to knowledgeable persons in order to locate documents responsive to the categories contained in the production requests. It is possible, however, that as discovery proceeds in this action, additional documents will be discovered. Therefore, Responding Party expressly reserves the right to supplement its response to the production requests if, and when, additional responsive documents are located.

Responding Party reserves any and all objections to the admissibility at trial of any document produced or identified in this response. The supplying of any information or identification does not constitute an admission by Responding Party that such information or document is relevant to the pending litigation. Accordingly, Responding Party reserves its right to object to further inquiries with respect to the subject matter of each document produced.

Responding Party objects to the place of the inspection and copying. Unless otherwise agreed in writing by Responding Party, the originals of any documents, tangible things, land or other property which are responsive to any particular and which are in the possession, custody or control of Responding Party, shall be produced as copies and in the manner in which they are kept in the usual course of business or be organized and labeled to correspond with the categories in the production requests.

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RESPONSESRESPONSE TO PRODUCTION REQUEST NO. 1:

Objection. Responding Party objects on the grounds that this discovery request seeks information which constitutes confidential attorney-client communications. Responding Party further objects on the grounds that this discovery request seeks information that is irrelevant to the subject matter of this action and which does not appear reasonably calculated to lead to the discovery of admissible evidence. Responding Party further objects on the grounds that this discovery request seeks information which is protected attorney work product. Responding Party further objects on the grounds that this discovery request is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation. Responding Party further objects on the grounds that this discovery request is unreasonably cumulative or duplicative, or the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Responding Party further objects on the grounds that this discovery request seeks information relating to protected confidential, proprietary or trade secret matter. Responding Party further objects on the grounds that this discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

RESPONSE TO PRODUCTION REQUEST NO. 2:

Objection. Responding Party objects on the grounds that this discovery request seeks information which constitutes confidential attorney-client communications. Responding Party further objects on the grounds that this discovery request seeks information that is irrelevant to the subject matter of this action and which does not appear reasonably calculated to lead to the discovery of admissible evidence. Responding Party further objects on the grounds that this discovery request seeks information which is protected attorney work product. Responding Party further objects on the grounds that this discovery request is unduly burdensome or expensive, taking into account the needs of the case, the amount in

1 controversy, and the importance of the issues at stake in the litigation. Responding Party
2 further objects on the grounds that this discovery request is unreasonably cumulative or
3 duplicative, or the information sought is obtainable from some other source that is more
4 convenient, less burdensome, or less expensive. Responding Party further objects on the
5 grounds that this discovery request seeks information relating to protected confidential,
6 proprietary or trade secret matter. Responding Party further objects on the grounds that this
7 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

8
9 RESPONSE TO PRODUCTION REQUEST NO. 3:

10 Objection. Responding Party objects on the grounds that this discovery request seeks
11 information which constitutes confidential attorney-client communications. Responding
12 Party further objects on the grounds that this discovery request seeks information that is
13 irrelevant to the subject matter of this action and which does not appear reasonably calculated
14 to lead to the discovery of admissible evidence. Responding Party further objects on the
15 grounds that this discovery request seeks information which is protected attorney work
16 product. Responding Party further objects on the grounds that this discovery request is
17 unduly burdensome or expensive, taking into account the needs of the case, the amount in
18 controversy, and the importance of the issues at stake in the litigation. Responding Party
19 further objects on the grounds that this discovery request is unreasonably cumulative or
20 duplicative, or the information sought is obtainable from some other source that is more
21 convenient, less burdensome, or less expensive. Responding Party further objects on the
22 grounds that this discovery request seeks information relating to protected confidential,
23 proprietary or trade secret matter. Responding Party further objects on the grounds that this
24 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

25
26 RESPONSE TO PRODUCTION REQUEST NO. 4:

27 Objection. Responding Party objects on the grounds that this discovery request seeks
28 information which constitutes confidential attorney-client communications. Responding

1 Party further objects on the grounds that this discovery request seeks information that is
2 irrelevant to the subject matter of this action and which does not appear reasonably calculated
3 to lead to the discovery of admissible evidence. Responding Party further objects on the
4 grounds that this discovery request seeks information which is protected attorney work
5 product. Responding Party further objects on the grounds that this discovery request is
6 unduly burdensome or expensive, taking into account the needs of the case, the amount in
7 controversy, and the importance of the issues at stake in the litigation. Responding Party
8 further objects on the grounds that this discovery request is unreasonably cumulative or
9 duplicative, or the information sought is obtainable from some other source that is more
10 convenient, less burdensome, or less expensive. Responding Party further objects on the
11 grounds that this discovery request seeks information relating to protected confidential,
12 proprietary or trade secret matter. Responding Party further objects on the grounds that this
13 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.
14

15 RESPONSE TO PRODUCTION REQUEST NO. 5:

16 Objection. Responding Party objects on the grounds that this discovery request seeks
17 information which constitutes confidential attorney-client communications. Responding
18 Party further objects on the grounds that this discovery request seeks information that is
19 irrelevant to the subject matter of this action and which does not appear reasonably calculated
20 to lead to the discovery of admissible evidence. Responding Party further objects on the
21 grounds that this discovery request seeks information which is protected attorney work
22 product. Responding Party further objects on the grounds that this discovery request is
23 unduly burdensome or expensive, taking into account the needs of the case, the amount in
24 controversy, and the importance of the issues at stake in the litigation. Responding Party
25 further objects on the grounds that this discovery request is unreasonably cumulative or
26 duplicative, or the information sought is obtainable from some other source that is more
27 convenient, less burdensome, or less expensive. Responding Party further objects on the
28 grounds that this discovery request seeks information relating to protected confidential,

1 proprietary or trade secret matter. Responding Party further objects on the grounds that this
2 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

3
4 RESPONSE TO PRODUCTION REQUEST NO. 6:

5 Objection. Responding Party objects on the grounds that this discovery request seeks
6 information which constitutes confidential attorney-client communications. Responding
7 Party further objects on the grounds that this discovery request seeks information that is
8 irrelevant to the subject matter of this action and which does not appear reasonably calculated
9 to lead to the discovery of admissible evidence. Responding Party further objects on the
10 grounds that this discovery request seeks information which is protected attorney work
11 product. Responding Party further objects on the grounds that this discovery request is
12 unduly burdensome or expensive, taking into account the needs of the case, the amount in
13 controversy, and the importance of the issues at stake in the litigation. Responding Party
14 further objects on the grounds that this discovery request is unreasonably cumulative or
15 duplicative, or the information sought is obtainable from some other source that is more
16 convenient, less burdensome, or less expensive. Responding Party further objects on the
17 grounds that this discovery request seeks information relating to protected confidential,
18 proprietary or trade secret matter. Responding Party further objects on the grounds that this
19 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

20
21 RESPONSE TO PRODUCTION REQUEST NO. 7:

22 Objection. Responding Party objects on the grounds that this discovery request seeks
23 information which constitutes confidential attorney-client communications. Responding
24 Party further objects on the grounds that this discovery request seeks information that is
25 irrelevant to the subject matter of this action and which does not appear reasonably calculated
26 to lead to the discovery of admissible evidence. Responding Party further objects on the
27 grounds that this discovery request seeks information which is protected attorney work
28 product. Responding Party further objects on the grounds that this discovery request is

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2 controversy, and the importance of the issues at stake in the litigation. Responding Party
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6 grounds that this discovery request seeks information relating to protected confidential,
7 proprietary or trade secret matter. Responding Party further objects on the grounds that this
8 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

9
10 RESPONSE TO PRODUCTION REQUEST NO. 8:

11 Objection. Responding Party objects on the grounds that this discovery request seeks
12 information which constitutes confidential attorney-client communications. Responding
13 Party further objects on the grounds that this discovery request seeks information that is
14 irrelevant to the subject matter of this action and which does not appear reasonably calculated
15 to lead to the discovery of admissible evidence. Responding Party further objects on the
16 grounds that this discovery request seeks information which is protected attorney work
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21 duplicative, or the information sought is obtainable from some other source that is more
22 convenient, less burdensome, or less expensive. Responding Party further objects on the
23 grounds that this discovery request seeks information relating to protected confidential,
24 proprietary or trade secret matter. Responding Party further objects on the grounds that this
25 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

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1 RESPONSE TO PRODUCTION REQUEST NO. 9:

2 Objection. Responding Party objects on the grounds that this discovery request seeks
3 information which constitutes confidential attorney-client communications. Responding
4 Party further objects on the grounds that this discovery request seeks information that is
5 irrelevant to the subject matter of this action and which does not appear reasonably calculated
6 to lead to the discovery of admissible evidence. Responding Party further objects on the
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11 further objects on the grounds that this discovery request is unreasonably cumulative or
12 duplicative, or the information sought is obtainable from some other source that is more
13 convenient, less burdensome, or less expensive. Responding Party further objects on the
14 grounds that this discovery request seeks information relating to protected confidential,
15 proprietary or trade secret matter. Responding Party further objects on the grounds that this
16 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

17
18 RESPONSE TO PRODUCTION REQUEST NO. 10:

19 Objection. Responding Party objects on the grounds that this discovery request seeks
20 information which constitutes confidential attorney-client communications. Responding
21 Party further objects on the grounds that this discovery request seeks information that is
22 irrelevant to the subject matter of this action and which does not appear reasonably calculated
23 to lead to the discovery of admissible evidence. Responding Party further objects on the
24 grounds that this discovery request seeks information which is protected attorney work
25 product. Responding Party further objects on the grounds that this discovery request is
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1 duplicative, or the information sought is obtainable from some other source that is more
2 convenient, less burdensome, or less expensive. Responding Party further objects on the
3 grounds that this discovery request seeks information relating to protected confidential,
4 proprietary or trade secret matter. Responding Party further objects on the grounds that this
5 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

6
7 RESPONSE TO PRODUCTION REQUEST NO. 11:

8 Objection. Responding Party objects on the grounds that this discovery request seeks
9 information which constitutes confidential attorney-client communications. Responding
10 Party further objects on the grounds that this discovery request seeks information that is
11 irrelevant to the subject matter of this action and which does not appear reasonably calculated
12 to lead to the discovery of admissible evidence. Responding Party further objects on the
13 grounds that this discovery request seeks information which is protected attorney work
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15 unduly burdensome or expensive, taking into account the needs of the case, the amount in
16 controversy, and the importance of the issues at stake in the litigation. Responding Party
17 further objects on the grounds that this discovery request is unreasonably cumulative or
18 duplicative, or the information sought is obtainable from some other source that is more
19 convenient, less burdensome, or less expensive. Responding Party further objects on the
20 grounds that this discovery request seeks information relating to protected confidential,
21 proprietary or trade secret matter. Responding Party further objects on the grounds that this
22 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

23
24 RESPONSE TO PRODUCTION REQUEST NO. 12:

25 Objection. Responding Party objects on the grounds that this discovery request seeks
26 information which constitutes confidential attorney-client communications. Responding
27 Party further objects on the grounds that this discovery request seeks information that is
28 irrelevant to the subject matter of this action and which does not appear reasonably calculated

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3 product. Responding Party further objects on the grounds that this discovery request is
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9 grounds that this discovery request seeks information relating to protected confidential,
10 proprietary or trade secret matter. Responding Party further objects on the grounds that this
11 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

12
13 RESPONSE TO PRODUCTION REQUEST NO. 13:

14 Objection. Responding Party objects on the grounds that this discovery request seeks
15 information which constitutes confidential attorney-client communications. Responding
16 Party further objects on the grounds that this discovery request seeks information that is
17 irrelevant to the subject matter of this action and which does not appear reasonably calculated
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25 convenient, less burdensome, or less expensive. Responding Party further objects on the
26 grounds that this discovery request seeks information relating to protected confidential,
27 proprietary or trade secret matter. Responding Party further objects on the grounds that this
28 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

1 RESPONSE TO PRODUCTION REQUEST NO. 14:

2 Objection. Responding Party objects on the grounds that this discovery request seeks
3 information which constitutes confidential attorney-client communications. Responding
4 Party further objects on the grounds that this discovery request seeks information that is
5 irrelevant to the subject matter of this action and which does not appear reasonably calculated
6 to lead to the discovery of admissible evidence. Responding Party further objects on the
7 grounds that this discovery request seeks information which is protected attorney work
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10 controversy, and the importance of the issues at stake in the litigation. Responding Party
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14 grounds that this discovery request seeks information relating to protected confidential,
15 proprietary or trade secret matter. Responding Party further objects on the grounds that this
16 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.

17
18 RESPONSE TO PRODUCTION REQUEST NO. 15:

19 Objection. Responding Party objects on the grounds that this discovery request seeks
20 information which constitutes confidential attorney-client communications. Responding
21 Party further objects on the grounds that this discovery request seeks information that is
22 irrelevant to the subject matter of this action and which does not appear reasonably calculated
23 to lead to the discovery of admissible evidence. Responding Party further objects on the
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4 proprietary or trade secret matter. Responding Party further objects on the grounds that this
5 discovery request is overbroad, vague, ambiguous and unintelligible as to time and place.
6

7 DATED: February 19, 2008

AIRES LAW FIRM

8
9 By: 

Timothy Carl Aires, Esq.
Attorney for Plaintiff
AT&T CORPORATION

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Timothy Carl Aires, am employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 180 Newport Center Drive, Suite 260, Newport Beach, California 92660.

On February 19, 2008, I served the document entitled: *Responses to Requests for Production of Documents, Electronically Stored Information and Tangible Things, or Entering onto Land, for Inspection and Other Purposes* on all interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, addressed as follows:

Anne Leith-Matlock, Esq. (anne-leith@matlocklawgroup.com)
 Matlock Law Group, PC
 1485 Treat Boulevard, Suite 200
 Walnut Creek, CA 94597

(check applicable paragraphs)

☒ (BY MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the U.S. Postal Service and the fact that correspondence would be deposited with the U.S. Postal Service that same day in the ordinary course of business; On this date, the above-named correspondence was placed for deposit at Newport Beach, CA and placed for collection and mailing following ordinary business practices.

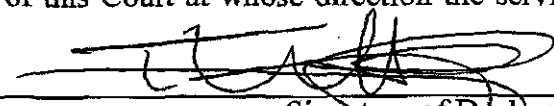
☐ (BY PERSONAL SERVICE) I caused such document to be served by hand on the addressee.

☐ (BY EXPRESS SERVICE) I caused such document to be deposited in a box or other facility regularly maintained by the express service carrier or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 19, 2008


 Signature of Declarant